

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1-18, 25-29, 35-37, 39-42, and 44 remain pending in this application.

Applicant would like to thank the Examiner for the careful consideration given to the claims.

Restriction

The PTO withdrew claims 2-4, 6-8, 10-35, and 37-45 from further consideration as being drawn to a nonelected species. It is respectfully submitted that claim 37 was incorrectly withdrawn. The PTO established in the Office Action dated 8/25/2005 that claim 37 was generic. (See page 2 of the Office Action of 8/25/2005.) Applicant acknowledged that claim 37 was considered generic in the Reply filed on 3/20/2006. Indeed, claim 37 is not limited to one of the listed species stated in the Office Action of 8/25/2005. Therefore, Applicant respectfully submits that claim 37 was improperly withdrawn from examination and should be considered by the PTO.

Amendment

Claim 1 has been amended to include “a shoe set comprising a first shoe of a width and a second shoe of the same width spaced apart from each other by a distance of the width times an integer...wherein the film feeder is configured to feed the film by an amount of the width.”

Claim 36 has been amended to include “a shoe set comprising a first shoe of a width and a second shoe of the same width spaced apart from each other by a distance of the width times an integer...wherein the film feeding means is configured to feed the film by an amount of the width.”

Claim 37 has been amended to include “wherein the shoe set comprises a first shoe of a width and a second shoe of the same width spaced apart from each other by a distance of the width times an integer...feeding the film by an amount of the width.”

Support for these amendments as it relates to the elected species can be found, for example, in Fig. 9 and on page 12, lines 15-21 of the specification. The elected species (shown in Fig. 13) is the third embodiment of the second invention. However, the second

invention includes the features of the first embodiment plus the film cleaner. Thus, the elected species of the second invention includes a film feeder configured to feed the film by an amount of the width of the shoe.

Rejection of Claims based on Judge and Cothrell

Claims 1, 5, 9, and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,682,444 ("Judge") in view of U.S. Patent 4,525,955 (Cothrell). For at least the following reasons, this rejection is traversed.

Claim 1 recites "a shoe set comprising a first shoe of a width and a second shoe of the same width spaced apart from each other by a distance of the width times an integer...wherein the film feeder is configured to feed the film by an amount of the width." Neither Judge, Cothrell, nor any combination thereof discloses this feature. Thus, claim 1 is not rendered unpatentable over the prior art.

Claim 36 recites "a shoe set comprising a first shoe of a width and a second shoe of the same width spaced apart from each other by a distance of the width times an integer...wherein the film feeding means is configured to feed the film by an amount of the width." Neither Judge, Cothrell, nor any combination thereof discloses this feature. Thus, claim 36 is not rendered unpatentable over the prior art.

For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Allowability of Claim 37

Although claim 37 had not been examined, claim 37 is allowable because it recites "wherein the shoe set comprises a first shoe of a width and a second shoe of the same width spaced apart from each other by a distance of the width times an integer...feeding the film by an amount of the width." Neither Judge, Cothrell, nor any combination thereof discloses this feature. Thus, claim 37 is not rendered unpatentable over the prior art.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

By Matthew Kremer

Glenn Law
Registration No. 34,371

Matthew J. Kremer
Registration No. 58,671